

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 461 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

PRAMODKUMAR LALBHAI VADNAGARA

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

M/S THAKKAR ASSOC. for Petitioner
NOTICE SERVED BY DS for Respondent No. 1
MR SR DIVETIA APP for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 20/06/98

ORAL JUDGEMENT

Rule. Returnable today. Mr. Divetia, learned APP waives service of rule. Heard Mr. Trimizi for Messrs. Thakkar Associates, on behalf of the petitioner and learned APP Mr. Divetia for respondents. Petitioner owns vehicle bearing No. GJ-11-T-1546 which is seized by

the respondent No. 1 on account of outstanding tax and penalty. The petitioner admits his liability to pay outstanding tax and penalty. In above view of the facts, it is directed that vehicle bearing registration No. GJ-11-T-1546 seized and detained by respondent No. 1 be released and handed over to the petitioner on his depositing a sum of Rs. 50,000/- with the respondent no. 1 towards the outstanding liability of tax and penalty. The release of aforesaid vehicle under this order shall be subject to the following conditions :-

- (a) The petitioner shall continue to discharge the current liability of tax for the user of the said vehicle.
- (b) The remainder of the liability towards accumulated tax and penalty shall be discharged within one year from the date of handing over of the possession of the vehicle to the petitioner.
- (c) The petitioner shall not transfer or part with possession of the said vehicle in any manner whatsoever till the entire outstanding liability towards tax and penalty is discharged.
- (d) The petitioner shall give an undertaking to this Court within three weeks from today to the effect that he shall abide by the above referred conditions and a copy of said undertaking shall be furnished to the respondent no. 1.

In the event of breach of the aforesaid conditions, the respondent no. 1 shall be entitled to seize and detain the said vehicle again, apart from taking legal action against the petitioner.

Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

Prakash*